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S E C R E T SECTION 01 OF 02 THE HAGUE 001700

SIPDIS

DEPARTMENT FOR S/WCI - SCHEFFER/WARRICK, S/SA - O'BRIEN,  
S/CT - SHEEHAN/BAIR, DRL - KOH/SPENCER, L -  
ANDREWS/MATHESON, L/EUR - LAHNE, INR/WCAD - DONAHUE/MORIN,  
EUR/SCE - COUNTRYMAN/DANIELS;  
SARAJEVO FOR AMBASSADOR MILLER/AUDIOSI

E.O. 12958: DECL: 1.6 FIVE YEARS AFTER CLOSURE ICTY  
TAGS: [PREL](#) [PHUM](#) [BK](#) [HR](#) [SR](#) [NL](#) [ICTY](#)  
SUBJECT: ICTY: READ-OUT ON RS PRIME MINISTER DODIK'S  
MEETING WITH DEL PONTE

[1](#)1. (U) CLASSIFIED BY: ALLEN S. WEINER, LEGAL COUNSELOR.  
REASONS: 1.5(B), (D).

[1](#)2. (C) SUMMARY: REPUBLIKA SRPSKA (RS) PRIME MINISTER  
DODIK'S MAY 29 WITH THE CHIEF PROSECUTOR OF THE INTERNATIONAL  
CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY) WAS USEFUL  
FROM A SYMBOLIC POINT OF VIEW INsofar AS IT DEMONSTRATED  
"GOODWILL" ON THE PART OF THE RS. IN THE ICTY'S VIEW,  
HOWEVER, NOTHING OF GREAT SUBSTANCE EMERGED FROM THE MEETING.  
DODIK HAS PLEDGED IMPROVED COOPERATION IN CERTAIN AREAS,  
INCLUDING ACCOMMODATING CONCERNS OF THE ICTY'S OFFICE OF THE  
PROSECUTOR (OTP) ON THE DRAFT LAW ON RS COOPERATION WITH THE  
ICTY. DODIK AND DEL PONTE ALSO DISCUSSED APPREHENSION ISSUES  
AND THE QUESTION OF PROVISIONAL RELEASE OF BOSNIAN SERB  
INDICTEES. END SUMMARY.

[1](#)3. (C) ON JUNE 7, ICTY DEPUTY PROSECUTOR GRAHAM BLEWITT  
PROVIDED EMBASSY LEGAL COUNSELOR WITH A READ-OUT OF RS PRIME  
MINISTER DODIK'S MAY 29 MEETING WITH ICTY CHIEF PROSECUTOR  
CARLA DEL PONTE. ACCORDING TO BLEWITT, THE MEETING, WHICH  
WAS HASTILY ARRANGED, WAS BRIEF AND WAS "IN THE NATURE OF A  
COURTESY CALL." THAT SAID, HE THOUGHT THE VISIT WAS  
SIGNIFICANT IN THAT IT DEMONSTRATED GOODWILL ON THE PART OF  
THE RS, AND A NUMBER OF SPECIFIC AREAS OF COOPERATION WERE  
DISCUSSED. BLEWITT NOTED THAT FORMER RS MINISTER OF JUSTICE  
TRBOJEVIC, WHO WAS FIRED SHORTLY AFTER HIS VISIT TO THE ICTY  
EARLIER THIS YEAR, ACCOMPANIED DODIK. ALTHOUGH TRBOJEVIC NO  
LONGER HAS A FORMAL POSITION IN THE RS GOVERNMENT, DODIK  
INDICATED THAT TRBOJEVIC REMAINS ONE OF HIS CLOSE ADVISORS  
AND WILL CONTINUE TO WORK ON RS-ICTY COOPERATION ISSUES.

[1](#)4. (C) DURING THE MEETING, DEL PONTE REPORTED THAT THE  
ICTY'S BANJA LUKA FIELD OFFICE WAS NOW OPEN, AND THAT THE  
OFFICE OF THE PROSECUTOR (OTP) WAS SATISFIED WITH THE LEVEL  
OF COOPERATION IT WAS RECEIVING FROM THE RS AT THE "LIAISON  
LEVEL."

[1](#)5. (C) ON THE ISSUE OF PROVISIONAL RELEASE OF BOSNIAN SERB  
INDICTEES, DEL PONTE EXPRESSED HER OPPOSITION TO, AND  
DISAPPOINTMENT WITH, THE TRIAL CHAMBER'S DECISION TO GRANT  
PROVISIONAL RELEASE TO MIROSLAV TADIC AND SIMO ZARIC, TWO OF  
THE INDICTEES IN THE BOSANSKI SAMAC CASE. (NOTE: A THIRD  
INDICTEE, MILAN SIMIC, HAS SUBSEQUENTLY BEEN GRANTED  
PROVISIONAL RELEASE.) SHE SAID THAT SHE WOULD CONTINUE TO  
OPPOSE PROVISIONAL RELEASE TO THE RS AS LONG AS ICTY  
INDICTEES REMAINED AT LARGE THERE.

[1](#)6. (S) BLEWITT SAID DEL PONTE EXPRESSED DISPLEASURE WITH  
THE RS'S FAILURE TO APPREHEND TWO INDIVIDUALS COVERED BY A  
SEALED INDICTMENT. BY WAY OF BACKGROUND, BLEWITT EXPLAINED  
THAT ALTHOUGH THE INDICTMENT IN QUESTION REMAINS UNDER SEAL,  
THE OTP HAD REASON TO BELIEVE IT HAD BEEN COMPROMISED.  
ACCORDINGLY, OTP HAD SERVED THE INDICTMENT AND ARREST  
WARRANTS ON THE RS AS A TEST CASE OF THE RS'S COMMITMENT TO  
IMPROVE COOPERATION IN THIS AREA. DODIK REPORTED THAT HIS  
GOVERNMENT'S INFORMATION IS THAT THE TWO INDIVIDUALS IN  
QUESTION HAVE FLED TO SERBIA. HE SAID THE RS HAD APPROACHED  
THE SERBIAN MUP FOR HELP IN SECURING CUSTODY OF THE TWO, BUT  
HAD RECEIVED NO RESPONSE. DEL PONTE SAID SHE WOULD PUBLICLY  
DISCLOSE THE INDICTMENT IF THERE IS NO PROGRESS ON  
APPREHENDING THE INDICTEES.

[1](#)7. (S) WITH RESPECT TO RADOVAN KARADZIC, DODIK SAID HE  
WOULD BE WILLING TO SHARE INFORMATION ON KARADZIC'S  
WHEREABOUTS, BUT SAID THAT THE RS INTELLIGENCE SERVICES "WERE  
EFFECTIVE ONLY TO A POINT" ON THIS SCORE. HE URGED DEL PONTE  
TO CONTINUE PRESSING SFOR TO ARREST KARADZIC. HE OBSERVED,  
HOWEVER, THAT IF KARADZIC WERE ARRESTED JUST BEFORE UPCOMING  
ELECTIONS, IT COULD "AFFECT HIS ABILITY TO REMAIN IN POWER."

18. (C) THE OTP ALSO RAISED THE ISSUE OF ACCESS TO RS WITNESSES. THE OTP, ACTING PURSUANT TO ITS AUTHORITY TO SUMMON WITNESSES UNDER RULE 39 OF ITS RULES OF PROCEDURE AND EVIDENCE, HAS OVER THE PAST FEW MONTHS BEEN INTERVIEWING REPUBLIKA SRPSKA ARMY (VRS) OFFICERS IN BANJA LUKA IN CONNECTION WITH THE KRSTIC TRIAL. RS COOPERATION HAS GENERALLY BEEN GOOD, BUT THERE HAVE BEEN A NUMBER OF "NO SHOWS" RECENTLY. DODIK PROMISED FULL COOPERATION AND SAID HE WOULD USE HIS "INFLUENCE" TO ATTEMPT TO ENSURE THAT ALL SUMMONED VRS OFFICERS MET WITH OTP INVESTIGATORS.

19. (C) ON THE DRAFT RS LAW ON COOPERATION WITH ICTY, THE OTP NOTED THAT THEY HAD NOT BEEN SATISFIED WITH THE INITIAL DRAFT OF THE LAW PROVIDED TO THEM, AND HAD PROVIDED THE RS WITH COMMENTS. DODIK REPORTED THAT THE LAW HAS BEEN REVISED TO INCORPORATE THE OTP'S COMMENTS. HE ALSO SAID THAT THE LAW WILL BE INTRODUCED AT THE NEXT SESSION OF THE RS PARLIAMENT. IN RESPONSE TO LEGAL COUNSELOR'S QUESTION, BLEWITT SAID THAT THE OTP HAS NOT YET SEEN THE REVISED LAW. (COMMENT: IT WOULD BE HELPFUL IF EMBASSY SARAJEVO COULD OBTAIN A COPY OF THE CURRENT DRAFT OF THE LAW FOR US TO SHARE WITH THE OTP TO ENSURE THAT OTP CONCERNS HAVE BEEN SATISFACTORILY ADDRESSED.)

110. (S) DODIK ALSO SAID THAT IT WOULD HELP OVERCOME THE WIDESPREAD VIEW IN THE RS THAT THE ICTY IS BIASED AGAINST THE SERBS IF THE OTP ISSUED INDICTMENTS AGAINST NON-SERBS IN BOSNIA. DEL PONTE SAID ONLY THAT THE OTP WAS WORKING HARD IN THIS REGARD.  
FENDRICK